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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

JBT-1

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on Sept. 30, 2005

Signature

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Application Number

10/657,880

Filed

Sept. 9, 2003

First Named Inventor

Jon B. Telleen

Art Unit

3728

Examiner

B. P. Gehman

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided. (4 total)

I am the

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applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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30,676

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Belleen JBT-1, USSN 10/657,880: PRE-APPEAL BRIEF REQUEST FOR
REVIEW COMMENTS

Applicant filed an Amendment After Final on Sept. 29, 2005 to correct informalities and rejections under 35 USC 112 in paragraphs 2 and 6 of the outstanding Final Rejection mailed March 31, 2005 (Paper No. Unavailable). Review of the claims in this form is respectfully requested to clarify the issues. Due to a Final Rejection based upon new grounds, Applicant has not previously traversed the rejections of paragraphs 8 or 12 of this Action. Claim 35, added by Applicant's Amendment of December 6, 2004 (Paper No. ?; hereinafter "Amdt.") has not been treated on the merits due to its withdrawal from consideration in the current Action.

A brief summary of the invention is provided in the first paragraph on page 14 of this Amdt. Three principal embodiments are contained in the present claims:

1) A holder assembly comprising a (key) holder, a detachable or removably attachable security device comprising a space ID portion (for room No.) and incentive(s) comprising a reward motivating the user of the holder and access means (e.g., key) to separate the space ID portion from the access means for security reasons (Claims 1-17 + 34);

2) Access means (e.g., key) for space in combination with a detachable or removably attachable security device comprising space ID, the device preventing use of the key until its removal and providing incentive for removal and maintaining the security device separate from the key (Claims 18-21); and

3) Holder assembly containing key for numbered hotel room, comprising at least two panels of folded card stock, with removable security device containing assigned room number and

providing instructions, incentives and reward for its removal (Claims 30-33 + 35, 36).

It is respectfully submitted that error is present in the rejections of Claims 1-6, 11-13, 17, 18, 20, 21 and 34 over Laughlin alone (para. 8 of Final Rejection) in that Laughlin's key holder (6) is also categorized in the Action as a "security device," although it is not removable from a holder as recited in Applicant's claims; see discussion on pages 16/17 of the Amdt. This principle also applies to Claims 18, 20 and 21 (a second embodiment), as discussed in the first paragraph on page 18 of the Amdt. Laughlin places a permanent room number on this holder (as shown in the figures and disclosed in text), thus cannot provide for the separation of the room number from the holder with a security device, let alone incentives or rewards for doing so. The provision of an additional perforated tab (17) as either an extra room number portion or a coupon (but not both) does not overcome this deficiency and error in identifying Laughlin's disclosed components.

It is respectfully submitted that error is present in the rejection of Claims 7 to 10 over Laughlin + Hollar in that neither reference, nor any combination thereof, disclose or suggest "at least one incentive motivating a user of said holder and the access means to separate said space identification portion from the access means and to keep them separate for security reasons," with the incentive including a reward. The deficiencies and error re Laughlin discussed above are incorporated by reference. Furthermore, there is no suggestion or motivation to combine these references, since Laughlin expresses no concern about "tampering with the key prior to use," and Hollar neither discloses nor suggests a space ID portion of a

keyholder which can be removed from the holder; see arguments in paragraph bridging pages 19/20 of the Amdt.

It is respectfully submitted that error is present in the rejection of Claims 14 and 15 over Laughlin + Thompson in that there is insufficient suggestion or motivation to combine Thompson's disclosure from a disparate art with Laughlin, as discussed in the paragraph bridging pages 20/21 of the Amdt., and even if such combinations were made, they lack the key limitations of Claim 1, as discussed in the paragraph bridging pages 21/22 of the Amdt. The arguments and discussion above re the deficiencies and error in Laughlin are incorporated by reference.

It is respectfully submitted that error is present in the rejections of Claims 16, 19 and 30-33 over Laughlin + Jacobs in that the Action alleges that Jacobs "disclose the desirability of keeping an access means separate from a room number for security reasons (col. 1, lines 15-26)," whereas this reference actually states the contrary, thus teaching away from the invention, as argued in the paragraph bridging pages 22/23 of the Amdt. The misinterpretation of Laughlin is also applicable here, and the discussion and arguments above concerning this are incorporated by reference. Further deficiencies in the proposed combination are discussed in the paragraph bridging pages 23/24 of the Amdt, and discussion of Claims 30-33 and the failure of Laughlin and/or Jacobs to meet their limitations is provided in the paragraph bridging pages 24/25 of the Amdt.

It is respectfully submitted that error is present in the rejection of Claim 36 over Laughlin + Wright in the same manner as discussed above re Laughlin alone. Claim 36 adds a map to the

embodiment of Claim 30, which distinguishes over Laughlin as discussed above re the rejection over Laughlin + Jacobs, which arguments are incorporated by reference.

Favorable action by the Conference in confirming the errors identified above and pointing out allowable subject matter is respectfully requested.